

## SCHEDULE 4

Article 2(4)

Relevant Offences for the Purposes of Sections 38 and 39 (vicarious liability and liability where activity carried out by arrangement with another)

### **The Sludge (Use in Agriculture) Regulations 1989**

1. An offence under regulation 9 of the Sludge (Use in Agriculture) Regulations 1989<sup>(1)</sup> insofar as it relates to a contravention of regulation 3 or 4 (prohibition on use or supply of sludge and precautions to be taken after sludge is used).

### **The Control of Pollution (Amendment) Act 1989**

2. An offence under section 1(1) of the Control of Pollution (Amendment) Act 1989<sup>(2)</sup> (transporting controlled waste without being a registered carrier).

### **The Environmental Protection Act 1990**

3. An offence under any of the following provisions of the Environmental Protection Act 1990<sup>(3)</sup>—

- (a) section 33(6) (unauthorised or harmful depositing, treatment or disposal etc. of waste; breaching conditions of a waste management licence)<sup>(4)</sup>;
- (b) section 34(6) (failure to comply with duty of care requirements)<sup>(5)</sup>;
- (c) section 63(2) (offences in relation to depositing waste other than controlled waste).

### **The Criminal Procedure (Scotland) Act 1995**

4. An offence under section 293(2) of the Criminal Procedure (Scotland) Act 1995<sup>(6)</sup> (statutory offences: art and part and aiding and abetting) as it applies in relation to any other offence listed in this Schedule.

### **The Special Waste Regulations 1996**

5. An offence under regulation 18(1) of the Special Waste Regulations 1996<sup>(7)</sup> (failure to comply with any obligation or requirement under the Regulations).

### **The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003**

6. An offence under regulation 11 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003<sup>(8)</sup> insofar as it relates to a failure to comply with duties imposed by regulation 2(1) or (2) (making and storage of silage), 3(1) (storage of slurry) or 6 (exemptions).

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(1) [S.I. 1989/1263](#), as relevantly amended by [S.I. 1990/880](#).

(2) [1989 c.14](#); section 1 was amended by paragraph 31(2) of Schedule 15 to the Environmental Protection Act 1990 ([c.43](#)) (“the 1990 Act”).

(3) [1990 c.43](#).

(4) Section 33 was relevantly amended by [S.S.I. 2009/247](#) and [S.S.I. 2011/226](#).

(5) Section 34 was relevantly amended by [S.S.I. 2000/323](#), [S.S.I. 2011/226](#), [S.S.I. 2012/148](#), [S.S.I. 2012/360](#) and [S.S.I. 2005/22](#).

(6) [1995 c.46](#).

(7) [S.I. 1996/972](#), to which there are amendments not relevant to this Order.

(8) [S.S.I. 2003/531](#), relevant amending instruments are [S.S.I. 2006/133](#) and [S.S.I. 2008/54](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **The Water Environment (Controlled Activities) (Scotland) Regulations 2011**

**7.** An offence under any of the following provisions of the Water Environment (Controlled Activities) (Scotland) Regulations 2011<sup>(9)</sup>—

- (a) regulation 44(1)(a) (breaching prohibition on unauthorised controlled activity);
- (b) regulation 44(1)(b) (failure to comply with a general binding rule);
- (c) regulation 44(1)(c) (failure to comply with a registration);
- (d) regulation 44(1)(d) (failure to comply with a water use licence);
- (e) regulation 44(1)(m) (false entry in records);
- (f) regulation 44(1)(n) (forging or using etc. a document with intent to deceive).

### **The Pollution Prevention and Control (Scotland) Regulations 2012**

**8.** An offence under any of the following provisions of the Pollution Prevention and Control (Scotland) Regulations 2012<sup>(10)</sup>—

- (a) regulation 67(1)(a) (contravention of permit requirements);
- (b) regulation 67(1)(b) (failure to comply with conditions of a permit);
- (c) regulation 67(1)(h) (false entry in records).

### **The Regulatory Reform (Scotland) Act 2014**

**9.** An offence under section 40(1) of the Regulatory Reform (Scotland) Act 2014<sup>(11)</sup> (causing significant environmental harm etc.).

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<sup>(9)</sup> S.S.I. 2011/209, to which there are amendments not relevant to this Order.

<sup>(10)</sup> S.S.I. 2012/360, to which there are amendments not relevant to this Order.

<sup>(11)</sup> 2014 asp 3.